Supreme Court, U.S.
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No. 86-645

IN THE

Supreme Court of the United States

OCTOBER TERM, 1986

E. MARIE HOLDEN,

Petitioner,

—v.—

OWENS-ILLINOIS, INC.,

Respondent.

PETITIONER'S REPLY TO THE BRIEF IN OPPOSITION TO CERTIORARI

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Petitioner wishes to respond briefly to the arguments made by the Respondent.

1. The respondent argues that the Sixth Circuit's holding that a company is free to discharge an employee because of her efforts to obtain compliance by her employer with Executive Order No. 11246 does not present an important question. Petitioner, on the other hand, urges that the decision below necessarily will

seriously interfere with the ability of the federal government to enforce and ensure compliance with the Executive Order. Petitioner respectfully suggests that it would be appropriate and useful for the Court to request the Solicitor General to file a brief expressing the views of the United States on this question.

2. Much of the respondent's brief consists of an attempt to retry the facts of this case before this Court. Thus, it cites at length from the evidence it put on at trial relating to whether the Company had engaged in activities that violated Title VII. Its presentation ignores the fact that the district court found against it based on the totality of the evidence. [1] The attempt by respondent

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[1] See the Appendix to the Petition at pp. 31a - 32a; 39a.

to relitigate the case here is wholly inappropriate and inconsistent with Rule 52a.

Respectfully submitted,

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